

**MINUTES  
FREMONT CITY COUNCIL MEETING  
NOVEMBER 8, 2011  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- a. Call to Order:** Mayor Wasserman called the meeting to order.
- b. Flag Salute:** Vice Mayor Chan led the salute to the flag.
- c. Roll Call:** Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.
- d. Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* **b. Approval of Minutes** – None.

- \* **c. Mayor Wasserman opened consideration of Selection of the Vice Mayor for 2012**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council appointed Councilmember Anu Natarajan as the Vice Mayor for the 2012 term.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* d. **Mayor Wasserman opened consideration of Approval of FY 2011/12 Contract Renewal with Alameda County Probation Department for Programs Supporting At-Risk Youth and Families**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager or designee to execute an agreement totaling \$410,264 with the Alameda County Probation Department to provide delinquency intervention and prevention programs for at-risk youth and families in Fremont and Newark.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

- \* e. **Mayor Wasserman opened consideration to Authorize Approval of a Construction and Maintenance Agreement with Union Pacific Railroad and Santa Clara Valley Transportation Authority (VTA) for the Warren Avenue Grade Separation Project and Authorize Approval of Amendment #2 to the Cooperative Agreement with VTA Regarding Implementation of the Warren Avenue Grade Separation Project**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Authorized the City Manager or his designee to execute a Second Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority regarding the implementation of the Warren Avenue Grade Separation Project, as described herein.
2. Following execution of the Second Amendment to the Cooperative Agreement with VTA, further authorized the City Manager or his designee to execute a Construction and Maintenance Agreement with the Union Pacific Railroad and VTA to set forth the rights and responsibilities for construction of the Warren Avenue Grade Separation Project and maintenance of the completed facilities.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

- \* f. **Mayor Wasserman opened consideration to Authorize the City Manager, or His Designee, to Execute an Amendment Increasing the Current Contract Between the City and Harris & Associates, Inc., by \$27,200 to a Total of \$425,920 for Project Management Services during the Environmental Remediation of the Former Union Pacific Railroad Property and Existing City Parking Lots in Niles**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager, or his designee, to execute a Professional Services Agreement Amendment with Harris & Associates, Inc., for Project and Construction Management

Services during Phase 2 of the environmental remediation of the former Union Pacific Property in Niles in an amount not to exceed \$27,200, for a new total contract amount not to exceed \$425,920.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

- \* g. **Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance to Consider Planning Commission Recommendation to Approve a Major Planned District Amendment to P-2005-131 (Central Park South) to Modify Condition of Approval A-5 (Affordable Housing Plan) Provisions Related Apartment Building Construction by a For-Profit Developer**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Held public hearing.
2. Found that, consistent with CEQA Guideline 15162, no changes to the project or site circumstances have occurred, nor has new information of substantial importance been discovered, and the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Plan are still valid and no further environmental analysis is required, and find this action reflects the independent judgment of the City of Fremont.
3. Found that proposed changes to affordable housing plan requirements as shown in underline and strike-out in Exhibit "G," Planned District P-2005-131, fulfill the applicable requirements set forth in the Fremont General Plan and Municipal Code.
4. Waived full reading and introduce an ordinance approving the Major Planned District Amendment to P-2005-131.
5. Directed staff to prepare a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

### 3. CEREMONIAL ITEMS

- a. **Proclamation: American Association of University Women community reading project, One Book, One Community Reading**
- b. **Recognition of Make a Difference Day Volunteers**

#### **4. PUBLIC COMMUNICATIONS**

##### **a. Oral and Written Communications**

Dr. Gordon C. MacLeod expressed concern regarding the shut down of the Mission Tennis Club and surrounding property.

#### **5. SCHEDULED ITEMS – None.**

#### **6. REPORT FROM CITY ATTORNEY – None.**

#### **7. OTHER BUSINESS**

##### **a. Mayor Wasserman opened consideration of a Second Reading and Adoption of an Ordinance to Amend the City’s CalPERS Contract for Fire Safety Employees to Implement Cost Sharing of the Employer’s Rate**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council adopted Ordinance No. 17-2011 authorizing an amendment to the contract between the City Council of the City of Fremont and the Board of Administration of the California Public Employees’ Retirement System.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Dutra
Noes:	None
Absent:	None
Abstain:	Councilmember Harrison

##### **b. Mayor Wasserman opened consideration of a Proposed Measure to Address Vehicular Speeding Concerns on Scott Creek Road and Appropriate Funds to Implement the Measure**

Public Works Director Jim Pierson and Traffic Engineering David Huynh provided an overview of the proposed design alternative.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Approved the proposed design alternative for modifications to Scott Creek Road and direct staff to design and implement the first phase.
2. Appropriated \$55,000 from 132PWC7101 (CIP-Emerging Projects Reserve) to a PWC project to be established upon the City Council’s authorization to proceed with the first phase of the proposed design alternative.
3. Directed staff to investigate the feasibility of modifying the I-680 southbound ramp approach (the second phase) and, if feasible, to return to the City Council with a proposed cost estimate and, if not feasible, to install rumble strips and speed limit sign to alert drivers exiting I-680 to the speed limit of Scott Creek Road.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**c. Mayor Wasserman opened consideration of a Presentation of FY 2011/12 First Quarter Budget Update and Year-end Results for FY 2010/11**

The City Council received information and provided comment to staff.

**8. COUNCIL COMMUNICATIONS**

**a. Council Referrals**

**MAYOR WASSERMAN REFERRAL:** The Governor has recently released his Pension Reform proposal that is the first substantial initiative to come from Sacramento. Though it may not cover every issue that we might want addressed it is certainly a positive first move. I believe it is in the interest of all Cities in California to show support for this proposal so that we can move beyond the talking stage and get something done. I therefore request the endorsement of the Council.

A unanimous endorsement received from the City Council.

**b. Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities.

**9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:07 p.m.

Attest:

Approved:

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Nadine Nader, City Clerk

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ANU NATARAJAN, Vice Mayor